

Project Specific Agreement
Between the
Confederated Salish and Kootenai Tribes
and
Montana Department of Transportation

Project Name: PO # []
US 93, Ronan South

Project Type: Thin Lift Overlay

Project Route: US 93 (N-5) MP 46.5 to MP 44.9

Letting Date: Spring 2010

This Project Specific Agreement (PSA) is entered into as specified in the Memorandum of Understanding (MOU) signed May 11, 2010 by the Confederated Salish and Kootenai Tribes (Tribes), between the Tribes and the Montana Department of Transportation (MDT).

The purpose of this PSA is to describe the specific cooperative efforts the parties will perform and have agreed to in conjunction with this project. Nothing contained in this PSA shall be inconsistent or in conflict with the MOU. If anything is inconsistent, the MOU shall control. In the event the above-specified project is not awarded, this PSA is null and void and a new PSA will be drafted.

Specific Issues:

- A. A pre-bid conference will not be held on this project.
- B. A pre-construction conference for this project will be held prior to the start of the project. Attendance at the Preconstruction Conference is mandatory for the prime contractor and for each major subcontractor. The Tribes will be invited to attend the pre-construction meeting.
- C. An Indian Preference Contracting fee (TERO fee) of three percent (3.0%) will be assessed against the total contract cost. MDT will collect the TERO fee by withholding funds from each progress and final payment made to its prime contractor in an incremental amount equal to 3.0% of each such progress and final payment. MDT shall then remit the total funds withheld to the Tribes immediately after having made payment to the contractor

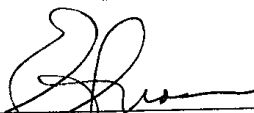
D. The contractor will assist and cooperate with the Tribes and MDT in fulfilling and enforcing the Montana State Weed Law (MCA 7-22). The objectives are to prevent, control and restrict the spread of noxious weeds during construction of this project.

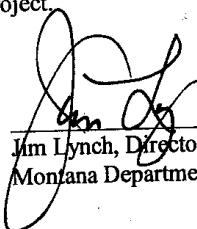
1. Seed rights-of-way or portions thereof devoid of competing vegetation as soon as Practical, pursuant to the seeding provisions of Project design specifications.
All seed used for this purpose must be certified noxious weed seed free, and records of sources, lots, or batches and evidence of certifications must be provided to the Weed Board on demand.
2. All fill, borrow or gravel sources must be noxious weed free.
3. Obtain organic materials used for surface mulch, erosion control, water barriers, or frost and weather protection of green concrete from noxious weed seed free sources.
4. Clean equipment and trucks before moving from noxious weed infested areas to areas free of noxious weeds.

E. Indian Hiring Requirements

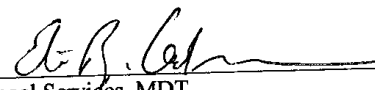
1. Before beginning work, MDT will require its prime contractor and all subcontractors to negotiate an Indian Preference Employment Compliance Plan with the Tribal Indian Preference Coordinator in accordance with the MOU, and will direct its prime contractor and subcontractors to abide by the Indian preference laws, rules and procedures required by the MOU.
2. There will be no Disadvantaged Business Enterprise (DBE) goals or trainees required for this project.

F. The prime contractor and all of its subcontractors will procure all permits required by Tribal regulations before commencing work on the project.


E.T. (Bud) Moran, Chairman Date
Consolidated Salish & Kootenai Tribes 5-4-10


Jim Lynch, Director Date
Montana Department of Transportation

Approved for Legal Content


Legal Services, MDT